

REMARKS

This application has been carefully reviewed in light of the Office Action mailed October 4, 2004. Claims 1-25 are pending in the application. Claims 4, 6 and 22 have been amended. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

Section 112 Rejections

The Office Action rejects Claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. To advance the prosecution of this case, Applicant has amended Claim 4 to address the 112 rejections raised in paragraph 2 of the Office Action. Favorable action is requested.

Rejections Under 35 U.S.C. § 102 and 103

Claims 1-3, 5-10, 12, 14-17, and 19-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,625,777 to Levin et al ("*Levin*"), and Claims 4, 11, 13, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Levin* in view U.S. Patent 6,570,915 to Sweitzer et al ("*Sweitzer*"). Applicant respectfully traverses these rejections for the reasons discussed below.

The Office Action relies principally on the structure and function of ADSL transceivers 34 and 42 of *Levin* in making these rejections, but these transceivers are not a portion of an IDSL line interface nor do they act to adjust the bit rate of an IDSL line interface. The illustration of boxes 46 and 38 as ISDN terminals does not change the fact that the functions and structure relied on in the Office Action refer to ADSL transceivers and not IDSL line interfaces.

Specifically, Claim 1 is allowable at least because the *Levin* does not disclose "[a]n IDSL line card comprising at least one IDSL line interface having an adjustable bit rate" or that the IDSL line interface comprises a rate adapter application operable to "adjust the bit rate for the at least one IDSL line interface." In rejecting Claim 1 the Office Action relies on col. 5, lines 5-40, col. 15 lines 30-35 and col. 11, lines 10-60 of *Levin* to teach the claimed IDSL line card, but this is incorrect. Those portions of *Levin* refer to **ADSL** transceivers, not an **IDSL line interface or an IDSL line card**. They also refer to adjusting the data rate

between two ADSL transceivers over an ADSL line and not the bit rate for an IDSL line interface. The connection of the ADSL central office and the ADSL remote terminal to ISDN terminals 46 and 38 of *Levin* does not change the fact that the rate adaptation described in *Levin* refers to changing the data rate of ADSL transceivers 34 and 42 and not that of an IDSL line interface. For at least these reasons, Claim 1 and the claims depending therefrom are allowable. Reconsideration and favorable action are requested.

Independent Claims 7, 14, 21, 22, and 23 are allowable for analogous reasons. Claim 7 recites "adjusting the second bit rate [of the second IDSL line interface] until a CRC level associated with subsequent data transfer between the first and second IDSL line interfaces meets or falls below the predetermined acceptable level," which is not disclosed in *Levin*. Claim 14 recites "adjusting the bit transfer rate of the second IDSL line interface in response to at least a determination based on the comparison that the CRC level associated with the data transmission exceeds the acceptable error level," which is not disclosed in *Levin*. Claim 21 recites "a line means connecting the first means and the second means for carrying data exchanged between the first and second locations according to ISDN protocol" and a controller means for adjusting the bits rate between the first and second means. This combination of limitations of Claim 21 is not shown in *Levin*, as *Levin* fails to show a controller that adjusts the bit rate of data exchanged between the first and second means according to **ISDN protocol**. Rather, to the extent *Levin* shows adjustment of data rate, it is with respect to data exchanged over an ADSL line and **not according to ISDN protocol**. Claim 22 recites a microcontroller operable to "in response to determining that the maximum error level is exceeded, adjust the bit rate of the at least one line interface [that is electrically connected to an ISDN chipset]," which is not shown by *Levin*. Claim 23 recites a rate adapter program operable to "adjust a bit rate associated with the first IDSL line interface," which *Levin* does not disclose. For at least these reasons, Claims 7, 14, 21, 22, and 23 are allowable, as are the claims depending therefrom. Reconsideration and favorable action are requested.

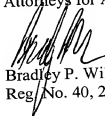
Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicant at the Examiner's convenience.

Applicant believes that no fee is due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

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